

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, MAY 17, 2004

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, May 17, 2004, at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Lundberg, Fitch, Ralston and Woodrow. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Tiger Cubs Recognition.

Mayor Leiken introduced Kimm Esser, leader of the Thurston Tiger Cubs. Ms. Esser noted the many acknowledgements the boys have accomplished in meeting the requirements to become Tiger Cubs. They are now working on the requirements to receive their Bobcat Badge. The five boys honored from this Tiger Cub Den were Austin Elmenhurst, Marshall Kanaffsky, Levi Whitney, Chris Kamkar, and Maxwell Esser.

2. Older Americans Month Recognition of Volunteer.

Mayor Leiken introduced Diane Pergamit from the Senior Center Program. Ms. Pergamit acknowledged Louis Young who has been honored along with nine other older Americans throughout Lane County. Ms. Pergamit presented a poster to the city which recognized all ten honorees. She gave Mr. Young's background as a business owner and active member of our community. Mr. Young is nearly ninety-one years of age and remains active by walking, traveling and gardening. He shares his flowers and vegetables with staff at Willamalane and others and is a great role model.

3. Thurston High School Students, By Kids for Kids Recognition.

Springfield Fire Chief Dennis Murphy introduced Caitlyn Kari, Thurston High School honor student and student founder of the By Kids 4 Kids Anti-Bullying Campaign. Ms. Kari gave a brief background of the By Kids 4 Kids campaign and the impact it has had on stopping violent acts. Ms. Kari and Samantha Lewis, another THS honor student, developed a model for in-school mentoring of elementary students conducted by high school students to teach kids how to stop bullying and harassment. Their future plans call for developing a model for use in middle and high schools with college students as mentors.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR FITCH, WITH A SECOND BY COUNCILOR BALLEW, TO ADOPT THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

1. Claims

- a. Approval of the March Financial Reports.

2. Minutes

- a. May 3, 2004 – Work Session
- b. May 3, 2004 – Regular Meeting

3. Resolutions

- a. RESOLUTION NO. 04-15 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30382: BRANDT SUBDIVISION SANITARY SEWER IMPROVEMENTS.
- b. RESOLUTION NO. 04-16 – A RESOLUTION TO ACCEPT PROJECT P20369 FROM WILDISH CONSTRUCTION COMPANY IN THE AMOUNT OF \$46,516.33.
- c. RESOLUTION NO. 04-17 – A RESOLUTION TO ACCEPT PROJECT P20322 FROM EGGE SAND AND GRAVEL IN THE AMOUNT OF \$197,732.38.

4. Ordinances

5. Other Routine Matters

- a. Authorize the City Manager to Enter into Agreement with Les Schwab Tire Centers of Portland, Inc. for Street and Signal Improvements at the 32nd and Main Intersection.

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS

1. Proposed Resolution Setting Local and Regional Sewer User Fees.

RESOLUTION NO. 04-18 – A RESOLUTION OF THE CITY OF SPRINGFIELD COMMON COUNCIL SETTING LOCAL AND REGIONAL SEWER USER FEES AS SET FORTH IN THE SPRINGFIELD MUNICIPAL CODE.

Environmental Services Supervisor Gary Colwell presented the staff report on this item. Current Springfield sanitary sewer and storm drainage user fees will not produce sufficient revenue to fully fund the proposed FY 04-05 budget. New local sewer user fees should be considered and included in the city's rate schedule for sewer user fees and adopted by resolution of the City Council. Additionally, the Metropolitan Wastewater Management Commission (MWMC) has adopted new Regional sewer user fees for FY 04-05, and has forwarded them to Springfield and

Eugene for inclusion in their respective local rate schedules pursuant to Section 8(c) of the MWMC intergovernmental agreement.

The council reviewed FY 04-05 local and regional sewer and local storm drainage fee alternatives at the May 3, 2004, Work Session. Council preference was to increase the local sanitary sewer rate by 2.5 percent, and to increase drainage rates by 9 percent. This increase replaced \$400,000 transfer to General Fund that was deferred last year to keep increases in check last year. The council was also advised that the Metropolitan Wastewater Management Commission (MWMC) was in the process of considering an increase in regional sanitary sewer rates ranging from 12 to 38 percent in order to restore adequate user rate contributions to the capital improvement programs. The MWMC conducted a public hearing and adopted a 24 percent rate increase at their May 6, 2004 meeting.

Councilor Woodrow asked if council would be deciding on all three fee increases.

Mr. Colwell said that was correct. He referred to page Exhibit A of the Resolution included in the agenda packet which included all fees.

Mayor Leiken opened the public hearing.

1. Fred Simmons, 312 S. 52nd Place, Springfield, OR. Mr. Simmons said all Springfield citizens in the residential side are both taxpayers and rate payers. The funds being raised for long-term capital enhancement of the plant in the regional area are needed, but the fees charged for sanitary sewer and storm sewer are almost equal to what he pays in property tax. There is a trend where cities are going to a user fee based process. The sanitary sewer rate changes are substantial and the storm sewer issues are very expensive. He discussed taxes and franchise fees and how they add up to large dollars. People are being impacted and we are in tough economic times. He recognized the need for those dollars for the process, but there needs to be equity. Businesses can deduct these costs, but a resident cannot. This is an equity issue. At some point residents will begin to raise that equity issue. There may be some validity in the utility tax. He referred to the amount of money each resident would have to pay. He discussed inequity in city services and funds. This is not an issue of inefficiency or need, but an issue of equity.

Mayor Leiken closed the public hearing.

Councilor Ballew said in response to Mr. Simmons concern, it has to do with the tax system. The person who owns the business would also pay the same residential user fee at their home. This is more of a state and federal taxing issue than the city can have an impact on.

Mr. Simmons said if the League of Oregon Cities (LOC) and other cities got together to propose that those fees and charges could be deductible, they could go forward with the citizens as allies rather than opponents.

Councilor Woodrow said he is concerned by the increase based on the fact that a 24 percent increase in wastewater fees is significant. He is concerned that the city is going to price themselves out of business. He realizes money is needed because of growth, but we are raising local sanitary sewer fees, stormwater fees and regional sanitary sewer. He said he pays more for stormwater runoff than the water itself. It is cheaper to have a septic tank. He doesn't know the answer, but he is concerned.

Councilor Ballew said environmental laws have changed over the years. We have clean water in our rivers compared to the east coast because of the regulations on our runoff water. To meet our obligations to water quality there is a lot of cost involved. The user fees will also go to pay for improvements to the plant and our abilities to meet those regulatory requirements. No one likes increases, but she does not know of another option.

Mayor Leiken said Mr. Simmons' points are well taken. On the business side there are tax credits available for businesses to put together pollution prevention programs within their businesses to deal with that issue. On the consumer and residential side there are not credits. Perhaps the LOC could work with the city on this issue and it could be worth exploring. In the meantime, we are experiencing a lot of growth and that requires sufficient capacity. He discussed planning now for the next ten years and sufficient capacity.

Councilor Fitch said we have a two legged stool. We have user fees and the system development charges (SDC) and they have to be balanced. Both sides are not happy, but that is the balancing act. It is not perfect and there needs to be concessions on both sides. It is a big increase and \$144M is a large bill. Federal grants would help immensely, but we no longer have that option.

Councilor Lundberg agreed with Mr. Simmons. She said she tries to pick and choose what is most important. While she served on Lane Council of Government's (LCOG) board, she had the opportunity to visit the treatment facility in Veneta. She was impressed with the facilities and how sewage is handled. It is a critical public job that must be done to keep our water clean and keep things safe. She said she is willing to pay a little more to make sure everything stays safe. If we can match technology with what needs to happen that is even better. It costs a little more, but for public safety it is worth the cost and handling things correctly.

Councilor Ralston said if they had a choice on this, he would vote against it, but there is no choice. As tough as it is, there is no other option for funding this facility.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 04-18. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 1 AGAINST (WOODROW).

2. Proposed Resolution Approving the MWMC 2004 Facilities Plan and Adopting the 20-Year Project List.

RESOLUTION NO. 04-19 – A RESOLUTION OF THE CITY OF SPRINGFIELD COMMON COUNCIL APPROVING THE MWMC 2004 FACILITIES PLAN AND ADOPTING THE 20-YEAR PROJECT LIST.

Environmental Services Manager Susie Smith presented the staff report on this item as General Manager for the Metropolitan Wastewater Management Commission (MWMC). Doug Keeler, MWMC commissioner was also in the audience. The MWMC recently adopted the 2004 Facilities Plan (Plan), which includes a list of capital improvement projects necessary to meet the regional wastewater treatment needs of the Eugene-Springfield urban services area through 2025. MWMC is forwarding the Plan to the governing bodies of Eugene, Springfield and Lane County for approval because implementation of the projects will expand capacity for future community growth, and because the 20-Year Project List will be used in calculating regional wastewater system development charges (SDCs).

The 2004 Plan was adopted by MWMC on May 6, 2004, following two public hearings. It is the first comprehensive regional wastewater facilities plan update since the completion of the original "208 Plan" in 1977. The 2004 Plan addresses regional facilities improvements necessary to meet community growth needs through 2025, state and federal requirements, and community expectations for protection of the public's health and safety and the environment. It builds on and includes continued implementation of the Biosolids Management Plan (1997), and the Wet Weather Flow Management Plan (2001).

During the year-long development of the Plan, MWMC evaluated a wide range of alternatives. Four alternative sets of system-wide improvements ranging in cost from \$144 million to \$233 million (in 2004 dollars) met the planning criteria. The Commission selected the least-cost alternative, which achieves significant cost savings through efficient use of and reinvestment in existing facilities where possible to gain increased capacity and performance. The 20-Year Project List includes a "just-in-time" phasing approach so construction will not occur until needed. The Oregon Department of Environmental Quality will review the Plan and may require additional improvements.

The 2004 Plan represents a significant investment in vital public infrastructure over the next five to ten years. Unlike the original facilities, which were constructed largely with Federal grants, this investment will be funded entirely with local funds through a combination of sewer user rates and SDCs. The 20-Year Project list included in the plan will provide the basis for calculating regional wastewater SDCs. The impact on user rates and SDCs is discussed in the attached Council Briefing Memorandum (Attachment 1). Actual projects and budgets will be reviewed annually as part of the MWMC budget and capital improvements program.

Even with "just-in-time" construction phasing, necessary expenditures in the first few years will require substantial user rate increases. Although raising user rates and fees is never desirable, timely implementation of the Plan is important to minimize the overall costs to the community in the long-term. Failure to maintain the project schedule would likely result in several consequences that would increase overall costs and, reduce efficiencies built into the planned phasing of projects. It would increase risks associated with permit violations such as fines, enforcement orders, law suits, and could thwart community growth.

Additional background information on the MWMC 2004 Facilities Plan and the MWMC adoption process is included in the attachments that follow.

Ms. Smith said the commission did approve the option that cost the least amount for the facilities plan. She discussed other agencies that choose facility plans with many amenities that add to the cost. The plan chosen by the MWMC is a no frills plan which includes only the necessary components. She noted the record of acceptability of MWMC in the community. The commission approved this plan after two public hearings. They are referring it to the two governing bodies for their concurrence through approval or consideration of the resolution included in the agenda packet. Council is not bound by any approval process for this planning effort, but staff requested a public hearing and provided council with a complete record of the public hearings, testimonies, responses and deliberation. Staff asked council for consideration of the resolution.

Doug Keeler, MWMC commissioner, spoke before council at Councilor Ballew's request. Mr. Keeler has been a citizen commissioner since 1997. The source of the commission's confidence in the facilities plan is the culmination of a lot of work started in 2002 when the new wastewater discharge permit was received from Department of Environmental Quality (DEQ). They recognized at that time that there were some requirements they would have to make. Our population is growing and we need to take better care of the river. The work started prior to the new permit, and also builds upon previous reports and plans the commission has put together in

previous efforts. More confidence comes from the fact that they have had the right resources assisting in this work. Staff has had a dozen or more people dedicated to lead the design project. The consultant has a strong track record and there have been regular check-ins with the commission. The commission looked at a number of alternatives. They selected the low cost alternative and still meet their objectives of meeting the permit requirements, protecting the receiving water and being fiscally responsible. There has been a lot of public involvement especially enhanced by the companion SDC process that was going on at the same time. Mr. Keeler was available for questions.

Councilor Ballew noted that Mr. Keeler is an environmental engineer by profession.

Mayor Leiken opened the public hearing.

1. Roxie Cuellar, HomeBuilders Association of Lane County, 2053 Laura Street, Springfield, OR 97477. Ms. Cuellar said the HomeBuilders Association (HBA) has two issues with this item. She said they feel the facilities plan is inappropriate before council at this time. There is a process for doing wastewater projects. State law, the administrative rules for Goal 11 require an amendment to the public facility plan and the comp plan when you have significant wastewater facility projects. There is a comp plan amendment process that is going on before the Planning Commissions at this time. They are not given any project titles, but are asked to approve it all. The reason why these project titles have to go before the Planning Commission is because there is intent that they be reviewed for land use issues. She referred to a staff member who said they do not involve land use issues, but she disagreed. Under state law, Goal 6, they are clearly land use issues. HBA feels it should go through the Planning Commissions first, who would then make a recommendation to the councils. The second issue of the HBA's is that they don't think the project is ready for adoption and still has some issues. It is not clear if the parallel system would be adopted and that affects the plan before them this evening. She said she has an issue as a rate payer that there is a lot more capacity in the plant than people are acknowledging. All documents show that except for peak flow there is plenty of capacity, but that has now disappeared. She referred to the Technical Background Report that was done for the public facility plan four years ago which MWMC was involved in which included biosolids processing and sufficient capacity. She referred to Attachment B, page 31 included in the agenda packet which showed no capacity remaining. She said there were frills in this proposal which include things that are totally discretionary. She asked council to have this reviewed by the Planning Commission and to take a good look at the facility plan.

Mayor Leiken closed the public hearing.

Mayor Leiken asked staff for a response to Ms. Cuellar's testimony.

City Attorney Meg Kieran said this is not a land use decision and in the SDC ordinances it specifically states that neither the project list nor the methodology ordinance is a land use decision. Council will be presented in June with metro plan amendments which are land use decisions. This is not by statute a land use decision.

Matt Noeson from CH2M Hill addressed the council. Mr. Noeson addressed Ms. Cuellar's concern regarding the parallel treatment. Alternative 5 involves a parallel treatment approach. In the event approval is not received from DEQ to implement Alternative 5, they drop back to Alternative 4, which is slightly more expensive in doing another treatment approach for peak wet

weather flow. That is planned for in the facilities plan. There was a sensitivity analysis done to assess the potential impacts on rates and SDC's in the event DEQ didn't approve Alternative 5 and required Alternative 4 to take affect. The draft facilities plan does address this situation. Mr. Noeson also addressed Ms. Cuellar's question regarding capacity. In 1997 the work was done under a different discharge permit. The new permit includes an ammonia limit and a thermal load limit. There is also a temperature management plan. There are more stringent requirements now in the discharge permit and the capacity that was available is used up by those more stringent permit requirements. He discussed biosolids capacity and the processes used to treat biosolids. Mechanical dewatering solved only one issue. All biosolids are land applied through cooperative farms in the community. The biocycle farm supplements that by providing more flexibility to the overall biosolids management plan. The biocycle farm did not impact the amount of capacity for the biosolids. He discussed phase II and III of the biocycle farms.

Ms. Smith said the issues raised tonight are similar to those raised in testimony, workshops and public comments. The council agenda packet addressed those questions.

Ms. Kieran confirmed that because this was not a land use decision, the Planning Commission would not be reviewing this facility plan and twenty year project list. It is not a land use approval, it is not a planning director's approval that is being reviewed, and it is not a land use decision.

Ms. Smith said the only reason this was before council was because of provisions in the intergovernmental agreement (IGA). It is not part of an adoption process. It is the commission's facility plan and it needs to be consistent with the land use planning laws that govern the area. MWMC would be getting permits for every facility they build. Those types of plans do not go to the planning commissions.

Councilor Woodrow asked if this would also have to be approved by Eugene and Lane County.

Ms. Smith said they would by their roles as the governing bodies to the IGA for MWMC. MWMC is charged with the obligation and the function to plan, construct, build, operate and maintain the regional wastewater facilities. It was the clear intent of the governing bodies in establishing the MWMC and the creating the IGA that planning for twenty year growth in this community is a community growth decision and those types of decision would be made by the governing bodies. This is a significant effort and means a lot to the future of the community. It is important to MWMC to have concurrence by the governing bodies and that is why they are bringing this forward to council. Both the Eugene Council and the County Commissioners will review the plan during their work sessions on Wednesday, May 19.

Councilor Ballew said both the city staff and the consultants have put in a lot of work and effort into this project. She appreciated their work. They developed a plan that works regarding engineering, community and permits. She would support it and encouraged the other councilors to support it as well.

Mayor Leiken asked if there was a certain market for the poplars from the poplar farm and if this resource was renewable.

Ms. Smith said there was a market and a fall back market. The biocycle farm is cost effective to the commission and community by reusing reclaimed water to assist in the temperature management plan. The commission stands firm on the importance of this farm and the market

continues to develop in the solid wood market which is what they hope will occur. They could then harvest the trees in ten years in phases and sell them for solid wood product. There is always a fall back pulp market for the product. The revenue from the marketing of the poplar trees may be included in the future allowing for significant savings for the next round of unpredicted environmental regulations.

Mayor Leiken said this is a difficult decision. He finds it reprehensible that the federal government puts these mandates on local communities, but does not offer grants to assist in the costs. In part he feels council needs to support it. On the other hand, it is too much for our community, but we are left without choices. This is a challenging issue, but Councilor Ballew has served on this commission for a long time and her opinion is respected. He asked Assistant City Manager Cynthia Pappas if discussions could be held with Smith, Dawson and Andrews regarding possible grant money from the federal government to assist with these mandates.

Ms. Smith discussed reuse of water locally partnering with other agencies. There is a market for reused water. In addressing the temperature issue, MWMC is looking to get the discharge out of the river and supply it as irrigation water. The facilities they are building serve multiple purposes and solve multiple problems. The filters will increase the level of treatment of the output so local parks could be irrigated with the reclaimed water. There may be partnership opportunities for cost sharing in the future and MWMC will continue to pursue those options.

Mayor Leiken said we need to work to develop such a plan. Non-portable water has many uses.

Ms. Pappas said those are the type of model projects the Federal Government prefer to fund. There are opportunities with the government.

Ms. Smith discussed the possibility for assistance from the state for solutions to multiple problems in a cost effective ways. The state may be able to leverage some of the federal funding that locally may not be feasible.

Councilor Ballew said staff has been very entrepreneurial in finding revenue streams with long lasting affects. We will have a renewable resource with the poplar farm. Those funds will go into the MWMC and will help to reduce rates.

Councilor Fitch said looking out 20 years regarding new regulations is very difficult and challenging. We must look at today's regulations and anticipate how to meet those mandates. Staff has done a very good job.

Councilor Woodrow said he did vote against the rate increase because it was too high, but he complimented staff and the MWMC for a job well done. He appreciated the HBA being involved in the process. He does not want to pay more money and the citizens don't want to pay more money, but they need quality facilities to deal with the waste.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 04-19. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

3. Resolution Initiating an Annexation to the City of Springfield of a Portion of Laura Street Right-of-Way and a Portion of Tax Lots 7500 and 5000, Journal Number LRP2004-00008 Smith/City of Springfield.

RESOLUTION NO. 04-20 – A RESOLUTION INITIATING ANNEXATION OF 350 FEET OF LAURA STREET RIGHT OF WAY AND CERTAIN TERRITORY ABUTTING APPROXIMATELY 203 NORTHERLY FEET OF LAURA STREET RIGHT OF WAY TO THE CITY OF SPRINGFIELD AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE EXPEDITED ANNEXATION USING THE EXPEDITED PROVISIONS OF ORS 199.466.

City Planner Kitti Gale presented the staff report on this item. The City Council is authorized by ORS 199.490(2)(a)(B) to initiate annexation upon receiving consent in writing from a majority of the registered electors and property owners within the territory to be annexed. The Smiths are the owners of Tax Lots 7500 and 5000 of which the easterly 30' lie outside the city limits. The city proposes to annex the remaining northerly 350' of Laura Street right of way, which is outside the city limits, in preparation for installation of public infrastructure and street improvements. The proposed annexation is contiguous to Springfield city limits on three sides.

All owners of the subject property and the city have requested annexation of a portion of Laura Street right of way to allow the improvement and installation of public infrastructure. There are no electors registered in these territories. Staff recommends approval of this resolution.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO.04-20. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

BUSINESS FROM THE AUDIENCE

1. Curtiss Greer, 357 55th Street, Springfield, OR Mr. Greer said that he did receive a letter dated May 12, 2004 from City Attorney Joe Leahy regarding livestock district applying only to bovine species. He asked how open range applied to those not of bovine species and if any animals were excluded from control under open range. He read from Mr. Leahy's letter which stated "the above livestock district statutes have no relationship to a proposed cat ordinance". He asked what had been proposed. Mr. Greer read again from Mr. Leahy's letter, "therefore these statutes do not provide any guidance as to whether the city may regulate domestic animal ownership such as cats." He asked what guidance was used in regulating ownership of dogs. If the city cannot do cats how can it do dogs? He said there is in place a regulation on cats that does create the problem. The discrimination application between cats and dogs violates the 14th amendment and the Oregon Constitution, this being equal protection under the law. This was first brought before City Council by Mr. Greer in 1994, and has not been addressed to this date. He said it would seem that in ten years the city could have had this corrected, or just like another matter which he addressed one time, when shown proof positive that an idea works and costs no money to implement, it was tossed out in favor of that which would cost the taxpayers more dollars. As a resident of this community he knows something needs to be done to correct these problems. It may not be politically correct, but it needs to be done. This is why the council was elected. They knew

there would be times when they would have to do the right thing and it would ruffle some feathers, but this is why they are where they are. He has ruffled a few (feathers) in his own time, only to be proven right in the end. In closing, Mr. Greer said the defunding of an ordinance that protects life and property while at the same time keeping funding to enforce cats running free.

Mr. Kelly said council had asked for a study on this issue and staff completed that study. There would be a memo from Chief Smith regarding this issue in next week's Communication Packet. Mr. Leahy has also done some research showing what other communities have done and that will be included.

CORRESPONDENCE AND PETITIONS

BIDS

ORDINANCES

1. Metropolitan Plan Update, Jo. No. LRP 2003-00014.

ORDINANCE NO. 6087 – AN ORDINANCE IN THE MATTER OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) TO ADOPT AS PART OF PERIODIC REVIEW METRO PLAN HOUSEKEEPING REVISIONS, A NEW METRO PLAN CHAPTER III-C, AND A NEW METRO PLAN DIAGRAM; AND ADOPTING A SEVERABILITY CLAUSE.

City Planner Mark Metzger presented the staff report on this item. Council last considered a package of Metro Plan text and Diagram updates in regular session on March 15. Action was delayed pending action by the Eugene Council. On April 21, Eugene adopted the updates with a few modifications. At issue is whether the proposed updates, as modified, meet the criteria for approving Metro Plan amendments and are in the best interest of the community.

The Joint Elected Officials (JEO) met on February 10 to conduct a work session and a public hearing on a package of Metro Plan text and Diagram changes. The Springfield Council then met on March 15th to conduct a second reading of the adopting ordinance and to further deliberate on the proposed updates. At that meeting, staff presented a memorandum that responded to the issues that were raised at the February staff presentation and public hearing. Staff recommended that a motion to adopt the Metro Plan updates be delayed in the wake of a decision by the Eugene Council on March 10 to consider a number of additional changes to the Plan documents.

On April 21, the Eugene Council adopted the Metro Plan updates without most of the changes that were discussed at their March 10 meeting. They adopted the update package as first presented to the elected officials at the February 10 meeting with the changes listed below. These changes are reflected in the replacement pages that are included in Exhibits A, B and C that are part of the agenda packet.

- Energy Policy "J.1," which was proposed for deletion, was restored by the Eugene Council. The policy recommends, but does not commit, communities and utilities to the development of a detailed metropolitan energy management plan. (See page III-J-4 of Exhibit A)
- "Finding #4" in the Environmental Resources Element was modified by Lane County to define forest lands as those lands acknowledged by the Land Conservation and Development

Commission (LCDC) as of the date of adoption of the 1993 amendments to Goal 4. (See page 6 Exhibit B)

- Minor Diagram amendments were made by Eugene staff for Eugene sites.

Lane County Commissioners met to consider this same package of updates on May 12, but did not act at that time. The commissioners indicated there were some changes they were considering, but did not formulate those changes into a format that staff could include in the council packets. Council could choose to adopt this packet leaving Lane County to act on this and any other changes they may choose. If Lane County does make changes, both Eugene and Springfield would have to revisit this to consider those changes. Staff would be meeting with Lane County staff on Tuesday, May 18 to address Lane County concerns without affecting the packet before council tonight. If that could be done, and Lane County adopted the packet, it would be finalized. If council chooses not to adopt this packet at this time, it would go to Lane County for their changes and then back to council with those changes in place. Lane County would consider this again on June 2. Staff would brief council on the action of the Lane County Commissioners once their decision had been made. The three jurisdictions must each adopt the same information and same language.

Councilor Fitch said these are housekeeping revisions. This is the best explanation she could think of why the metro plan does not work. If the three jurisdictions can't work on this as partners, they need to look at going alone. It took seven years to update this plan and these housekeeping items should have been taken care of quickly and easily. Too much time and energy has been put into this with no real outcome or advantage. They are spending staff time, council time and Lane Council of Government's (LCOG) time for this small issue. She discussed the joint elected officials meetings requiring all elected officials and staff to attend. The decisions made in those joint meetings are dissolved because they are not taking a vote at the meeting. Frustration level is extremely high. She would like to look elsewhere at our options.

Mayor Leiken agreed with Councilor Fitch.

Councilor Ralston asked for the explanation of the severability clause.

Ms. Kieran said if the council action is appealed and portions of the amendments are found to be invalid, it does not invalidate all of the amendments.

Discussion was held regarding the energy policy included in the plan. It does not commit our utilities or cities to anything they aren't already doing.

Mayor Leiken asked Ms. Kieran to draft a memo to council based on Councilor Fitch's remarks on what it would take for the City of Springfield to remove itself from the metro plan from a legal standpoint. He would like the memo to include the negatives and positives of removing Springfield from the metro plan based on Ms. Kieran's legal recommendation and analysis and senior staff input. The Mayor would also like to schedule a work session regarding this after the memo has been received.

Ms. Kieran said she could draft that memo. They do have materials regarding this subject.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT ORDINANCE NO. 6087. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

Councilor Fitch noted that she accepted this ordinance with the understanding that if Lane County changes anything, it would not come back to council until the other two jurisdictions have accepted it. At that time Springfield would decide if any changes needed to be made.

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments

2. Business from Council

a. Committee Reports

1. Mayor Leiken and Councilor Ballew attended the Metropolitan Planning Commission (MPC) meeting. During the meeting, Springfield brought up the idea for initiation within the metro plan. There was concern on Springfield's position on the metro plan.

Councilor Ballew said there was a motion to approve going ahead with arbitration with Comcast. Springfield staff had asked to wait a month for the decision in Los Angeles and evaluate that outcome. Springfield voted no on this motion and Lane County and the City of Eugene were displeased with this vote.

2. Mayor Leiken held an official press conference to announce that the Environmental Impact Study (EIS) on the permanent Willamette River Bridge was expanded to include on and off ramps. Congressman Peter DeFazio was also present for this press conference and is very enthusiastic about this project.

b. Other Business

1. Councilor Fitch said during executive session, the City Manager Contract was reviewed. During that meeting the Mayor and council expressed extreme pleasure with the leadership that Mike Kelly continues to bring to the city.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPROVE THE CITY MANAGER'S CONTRACT AS AMENDED TO INCLUDE A 2.5 PERCENT COST OF LIVING SALARY ADJUSTMENT AFFECTIVE RETROACTIVE TO JANUARY 15, 2004 AND A 1 PERCENT COST OF LIVING SALARY ADJUSTMENT AFFECTIVE JANUARY 16, 2005 THROUGH JUNE 30, 2005. THE CITY MANAGER'S CONTRACT YEAR WOULD THEN RUN FROM JULY 1 THROUGH JUNE 30 FOR COMPENSATION CONSIDERATION IN SUBSEQUENT YEARS. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

Councilor Fitch thanked Mr. Kelly for all he does for the city.

BUSINESS FROM THE CITY MANAGER

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder